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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KATALIN EVA HORVATH,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>

No. 11-70002

Agency No. A029-456-331

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted October 9, 2012**

Before: RAWLINSON, MURGUIA, and WATFORD, Circuit Judges.

Katalin Eva Horvath, a native and citizen of Hungary, petitions pro se for review of the Board of Immigration Appeals’ (“BIA”) order dismissing her appeal from an immigration judge’s (“IJ”) denial of her motion to reopen proceedings.

We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

denial of a motion to reopen, and de novo questions of law and constitutional claims. *Mohammed v. Gonzales*, 400 F.3d 785, 791-92 (9th Cir. 2005). We deny the petition for review.

The agency did not abuse its discretion in denying Horvath's motion to reopen for failure to show ineffective assistance of counsel where her former counsel requested relief under sections 212(c) and (h), and where Horvath failed to show eligibility for such relief. *Id.* at 793-94 (a petitioner must show incompetence and establish prejudice to prevail on an ineffective assistance claim); *Alvarez-Barajas v. Gonzales*, 418 F.3d 1050, 1054-55 (9th Cir. 2005) (amendment of the definition of aggravated felony applies to convictions entered "before, on, or after" Illegal Immigration Reform and Immigrant Responsibility Act of 1996's enactment date).

Horvath's contention that her removal would violate international law is unavailing. *Padilla-Padilla v. Gonzales*, 463 F.3d 972, 979-80 (9th Cir. 2006).

Horvath's equal protection claim is foreclosed by *Armendariz-Montoya v. Sonchik*, 291 F.3d 1116, 1122-23 (9th Cir. 2002).

Horvath's remaining contentions are unavailing.

PETITION FOR REVIEW DENIED.